Single Bench (1)

CF 1002

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH**

**W.P. No. 5236 /06**
(S)

**PETITIONER** : **Smt Kamla Bhagat,**
**W/o Shri S.R.Bhagat,**
**Aged about 38 Yrs.**
**Shiksha Karmi Class 3,**
**Presently posted at,**
**Primary School Paaker Gaon,**
**Block Lailunga,**
**District Raigarh (C.G.),**

P.R. No. 527826
Presented by Shri Manish Shrivastava
dated 21/9/06

**VERSUS**

**RESPONDENT** : **1. State of C.G.**
**Through : Secretary,**
**Panchayat & Rural**
**Development, D.K.S.**
**Bhawan,**
**Raipur (C.G.)**

**2. Chief Executive Officer,**
**District Panchayat Raigarh (C.G.)**

**3. Block Education officer**
**Lailunga District Raigarh (C.G.)**

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**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, WRITS, ORDER, DIRECTIONS ETC.**

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 5236 of 2006

Petitioner: Smt. Kamla Bhagat

Versus

Respondents: State of Chhattisgarh & others

**Single Bench**: Hon'ble Mr. Justice **Satish K. Agnihotri**.

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Shri Manish Sharma, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel lawyer for the Respondents No. 1 and 3.
None for the respondent No.3.

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ORDER

( 3rd October, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was employed as Shiksha Karmi Grade-III and was working at middle school Pokdega, was transferred vide order dated 27.2.2006 (Annexure P/3) to Primary School Pakargaon. Thereafter, vide order dated 23.6.2006 (Annexure P/1), along with several other Shiksha Karmis/Assistant Teachers, the petitioner was transferred to middle school Pokdega. At this stage learned counsel for the petitioner confines his submission to a direction to the respondents/authorities for considering the representation of the petitioner, pending before the respondent No.2.

2. I have heard learned counsel for the petitioner and perused the petition and annexures appended thereto. The impugned transfer order seems to be a routine transfer on administrative exigency. It is well established principle of law that the Court should refrain from interfering with the transfer order which is passed in public

interest as well as administrative exigency. This Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order is passed contrary to the statutory rules, regulations, circular etc. It is not a case where any of the grounds, as stated above, has been alleged by the petitioner. Thus, there is no merit in the case.

3. In view of the foregoing, the petition is dismissed. However, in the facts and circumstances of the case, the respondent No.2 is directed to consider and decide the pending application dated 17.7.2006 (Annexure P/4) in accordance with law, on its own merits, preferably within a period of three weeks from the date of receipt/production of a copy of this order.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Thakur